



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

May 15, 2013

Regulatory Division

Red Bay Environmental
Mr. Judson Goff
720 Hawksbill Court
Mt. Pleasant, South Carolina 29464

Dear Mr. Goff:

This is in response to your letter of May 25, 2012, requesting a wetland determination, on behalf of Mark Edwins, for a 94.68 acre tract located in Berkeley County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Westbury Surveying, dated August 26, 2012, and entitled "Mine Map Property of Mark Edwins TMS 136-00-016.000 (94.68 Acres) Edwins Mine Berkeley County".

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 5.816 acres of jurisdictional freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. In addition, the property contains 0.429 acres of federally defined freshwater wetlands or other waters that are not considered to be subject to the jurisdiction of this office due to a decision by the U.S. Supreme Court. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional boundaries shown on the referenced plat are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted. This **approved** jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC-2012-00571-2JR. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water Pollution Control. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact Steven Currie at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,


for Tina B. Hadden
Chief, Regulatory Division

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

South Carolina Department of
Health and Environmental Control
Attn: Mr. Chuck Hightower
Bureau of Water Pollution Control
2600 Bull Street
Columbia, South Carolina 29201